

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

<b>IN RE:</b>	§	
	§	
<b>PERSEVERANCE GROUP, LLC</b>	§	<b>CASE NO. 21-30584-hcm</b>
	§	
<b>Debtor.</b>	§	<b>CHAPTER 11 SUBCHAPTER V</b>

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**FEE APPLICATION SUMMARY  
AS SUPPORT FOR FINAL FEE APPLICATION  
FOR COMPENSATION OF ATTORNEY FEES AND EXPENSES  
IN A CHAPTER 11, SUBCHAPTER V, CASE**

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- I. CLIENT:** Perseverance Group, LLC
- II. REQUESTING APPLICANT/FIRM:**
- Michael R. Nevarez  
The Nevarez Law Firm, PC  
7362 Remcon Circle  
El Paso, Texas 79912  
Telephone: (915) 225-2255  
Facsimiles: (915) 845-3405  
Email: [MNevarez@LawOfficesMRN.com](mailto:MNevarez@LawOfficesMRN.com)
- III. TOTAL AMOUNT REQUESTED: \$4,020.35**
- A.** Expenses: \$0.00.
- B.** Fees: \$3,645.85 (See Exhibits B and C – (Compensation Support).
- C.** Preparation of Final Fee Application: \$375.00 (1.5 hours @ \$250.00 per hour).
- D.** Pre-petition retainer, if any: \$5,000.00, which includes \$1,738.00 for the filing fee, all of which was expended pre-petition.
- E.** Time period covered: November 16, 2021, and ending December 20, 2021.
- IV. BREAKOUT OF CURRENT APPLICATION:**
- A. APPLICATION HOURS AND FEES.**

<b>Legal Fees</b>				
	<b>Exhibit</b>	<b>Rate</b>	<b>Hours</b>	<b>Amount</b>
<b>Paralegal Denise D. Macias</b>	<b>B</b>	<b>\$50.00</b>	<b>15.33</b>	<b>\$766.67</b>
<b>Attorney Michael R. Nevarez</b>	<b>C</b>	<b>\$250.00</b>	<b>11.52</b>	<b>\$2,879.18</b>
<b><u>Sub-Total</u></b>				<b>\$3,645.85</b>
<b>Expenses</b>				<b>\$0.00</b>
<b><u>Sub-Total</u></b>				<b>\$3,645.85</b>
<b>Final Fee Application</b>		<b>\$250.00</b>	<b>1.5</b>	<b>\$375.00</b>
<b><u>Total</u></b>				<b>\$4,020.85</b>

**B. APPLICATION STAFF.**

1. **Michael R. Nevarez (Attorney)** - Michael R. Nevarez is a licensed attorney graduated with a Juris Doctorate from Georgetown University Law Center, Washington, D.C. (1980), and was admitted to practice in the District of Columbia (1980) and the State of Texas (1983), and in the United States District Court for The Western District of Texas, and the Fifth Circuit Court of Appeals. Mr. Nevarez has extensive litigation experience, with over 32 years of experience defending and prosecuting literally hundreds of claims involving hundreds of millions of dollars, before various state and Federal courts.

**Qualifications:** Michael R. Nevarez is an attorney and counselor at law, duly admitted to practice in the State of Texas, and in the United States District Court for The Western District of Texas, and have experience practicing before the United States Bankruptcy Court for the Western District of Texas, El Paso Division. Michael R. Nevarez graduated with a Juris Doctorate from Georgetown University Law Center, Washington, D.C. (1980), and with a Bachelor of Arts in Economics from the University of Texas at El Paso (1977). Pertinently, Michael R. Nevarez has been admitted to practice in the State of Texas (1983), the United States District Court for The Western District of Texas, and the Fifth Circuit Court of Appeals. Michael R. Nevarez has also been admitted to practice before:

The Texas Supreme Court;  
The United States Bankruptcy Court – New Mexico;  
The United States District Court – New Mexico;  
The United States District Court – Eastern District of Texas;

The United States District Court – Northern District of Texas;  
The United States District Court – Southern District of Texas;  
The United States Court of Appeals for the Tenth Circuit;  
The United States Court of Appeals for Veterans Claims; and,  
The United States Department of Veterans Affairs, Board of Veterans’ Appeals.

Michael R. Nevarez has over 40 years of experience in (a) business, contract, construction and real estate transactions and litigation, involving literally hundreds of claims and hundreds of millions of dollars, before various state and Federal courts and tribunals, and (b) in Chapter 7, 11, and 13 bankruptcy matters, including those before this United States Bankruptcy Court – Western District of Texas.

2. **Denise Dominguez Macias (Paralegal)** - Ms. Macias has worked as a paralegal for other law firms. As a paralegal in subject case, Ms. Macias performed legal work under the direction and supervision of Mr. Nevarez, including preparation of the Debtor’s Petition, Schedules and Statements, Monthly Operating Reports, and other documents necessary for subject case. Any clerical work performed by Ms. Macias would have been incidental to and necessary for performance of the foregoing substantive legal work.
  3. **Ron L. Barth (Paralegal)**. Mr. Barth has a Bachelor's in Business Administration (BBA) in Management, and a Master’s in Business Administration (MBA) in Finance And Accounting. Mr. Barth has seven (7) years of accounting experience as a Director of Accounting for Covalentworks, LP, and thirty-two (32) years of paralegal experience including contracting and bankruptcy matters for Chrysler Financial. As a paralegal in subject case, Mr. Barth created the Debtor’s QuickBooks account, and the Debtor’s Balance Sheet and Profit and Loss Financial Statements necessary for subject case. Any clerical work performed by Mr. Barth would have been incidental to and necessary for performance of the foregoing substantive legal work.
- C. **OFFICE:** Michael R. Nevarez maintains an office for the practice of law at The Nevarez Law Firm, PC (hereinafter referred to as the “Firm”), located at 7362 Remcon Circle, El Paso, Texas, 79912, and 2300 George Dieter Drive, El Paso, Texas 79936. Michael R. Nevarez’ office telephone number is (915) 225-2255, with office fax number is (915) 845-3405.
- D. **CONNECTION:** Aside from representing the Debtor in this matter, Michael R. Nevarez has no connection with PERSEVERANCE GROUP, LLC, the Debtor in this case, its creditors any other party in interest, their respective attorneys and

accountants, the Subchapter V Trustee, the United States Trustee, or any person employed in the Office of the United States Trustee.

**E. NO ADVERSE INTEREST:** I represent no interest adverse to the Debtor herein, or its estate in the matters upon which I am to be engaged, as there is no adverse or conflicting interest by and between the Debtor herein.

**F. TIMEKEEPING AND EXPENSE TRACKING.**

**1. TIMEKEEPING SYSTEM** - During the period covered by this Application, the Firm used QuickBooks Premier Professional Services Edition (2019). To track the time of each employee performing work for all of the Firm's clients, the Firm utilizes the QuickBooks Pro Timer timekeeping system, which is an automated time entry tool that tracks the time spent by each employee, by task for each client, with annotations describing the work performed for each task. At the end of the Firm's semi-monthly pay period, each employee then exports the time data from the QuickBooks Pro Timer, which is then imported by the Firm's Bookkeeper into QuickBooks for invoicing each client, and for various payroll activities, including paying each employee, in accordance with the time reflected in the QuickBooks Pro Timer timekeeping system. All reimbursable third-party costs and expenses which the Firm incurs on behalf of its clients are also tracked and paid using the Firm's QuickBooks program.

**2. MINIMUM FEE INCREMENTS** – Under the terms of the Retainer Agreement(s) executed by the Clients and the undersigned on behalf of the Firm, and pursuant to the Firm's standard billing procedure, the Clients were billed in no less than 0.10 (1/10) hour increments for work and services performed in the above-referenced matter. This minimum fee increment is typically charged for either (a) preparing or responding to Client emails, or (b) making or receiving telephone communications in the above-referenced matter.

This minimum fee increment is a good faith estimate of the time spent (a) changing from work being performed for other clients, (b) filing, maintaining and updating Client case files, and (c) returning to the work that was being performed for other clients. This minimum fee increment also includes (a) stopping the Firm's QuickBooks Pro Timer timekeeping system that was being used on the work that was being performed for other clients prior to interruption by the Client's work, (b) creating a new timekeeping entry in the Firm's QuickBooks Pro Timer timekeeping system in order to track the Client's interrupting work, (c) then stopping the timekeeping entry in the Firm's QuickBooks Pro Timer timekeeping system upon completion of the Client's interrupting work, and (d)

resuming the Firm's QuickBooks Pro Timer timekeeping system that was being used on the work that was being performed for other clients prior to interruption.

3. **EXPENSES** - Under the terms of the Retainer Agreement(s) executed by the Clients and the Firm, the Clients are obligated to pay all third party costs and expenses which the Firm incurs on the Clients' behalf, including but not limited to private investigator fees, investigation costs, use of local counsel in another state, court costs and filing fees, local, state and federal fees or taxes, mailing costs (including certified and registered mail costs), express or overnight mail delivery costs, deposition charges, audio/video recording, expert witness fees, witness expenses, long distance telephone expenses, court reporter fees and transcriptions, bond fees, scientific tests, photographs, laser disks, CD ROM expenses, computer models, process server fees, sheriff or clerk of court fees, messenger service, delivery service, overtime secretarial services, parking, out-of-office scanning or copying at cost, in-office photocopies at the rate of \$0.25 per page, incoming/outgoing facsimiles at the rate of \$0.25 per page, scanning documents at the rate of \$0.25 per page, printing documents at the rate of \$0.25 per page, contractual paralegal services and legal clerical services, and Client information services such as the expenses associated with necessary databases, other document databases, and other information costs such as reference documents, and all storage and rent costs and expenses associated with these documents and services, and specifically any contractual legal research needed for the defense of the case, and all other costs and contract expenses as the Firm deems necessary by the use of contractual attorneys or contract workers. The Client also is invoiced for parking costs and any in-town travel by the Firm necessary for the legal representation of the Clients in the above Matter, at the rate of \$0.55 per mile, and for any transportation, meals, lodging and all other costs of any out-of-town travel by the Firm necessary for the legal representation of the Clients.

**V. PRIOR APPLICATIONS.** One.

**VI. OTHER CO-EQUAL OR ADMINISTRATIVE CLAIMANTS IN CASE.**

None.

Allowance of this Application should not result in the Estate not being able to pay all co-equal or superior administrative claims in this case.

**VII. RESULT OBTAINED.**

**A. MATTERS INCLUDED.**

For the time period covered by this Application, services and expenses for the

following matters (hereinafter referred to as the “Matters”) were rendered:

1. Total scheduled debts in this case are \$1,814,037.43, and the total scheduled assets are \$1,709,601.00.
2. Time spent and covered by this Final Fee Application, includes ministerial work to ensure Debtor’s compliance with the requirements under the Bankruptcy Code, and this Court’s Orders, so as to allow Debtor additional time to employ substitute counsel.
3. On November 1, 2021, the Debtor’s Plan of Reorganization for Small Business Under Chapter 11 Subchapter V was filed.
4. The Hearing on Confirmation of Plan is set for December 16, 2021.
5. On December 9, 2021, the “Ballot Summary For Perseverance Group, LLC” was timely filed.
6. On December 9, 2021, a “Motion For Continuance of (a) Hearing on Confirmation of the Plan and (b) Deadline to File Memorandum of Legal Authorities and Proposed Order Confirming the Plan” was filed.
7. On December 9, 2021, an “Unopposed Motion to Withdraw as Attorney of Record” was filed.
8. On December 16, 2021, an “Order Continuing Plan Confirmation Hearing and Setting Status Hearing, With Notice of Requirement for Debtor to Obtain Licensed Counsel” was filed, continuing the hearing on confirmation of the Plan and setting a status hearing on confirmation of the Plan for January 13, 2022.
9. On December 16, 2021, an “Order Granting Motion to Withdraw as Counsel For Debtor” was filed
10. Agreed Orders were issued resolving the motions for relief from stay filed by Borderland Investments, LLC; EP Smart Money, LLC; Crusades Realty Investments, LLC; and Mayan Family Limited Partnership and My Ventures, LLC. (DOC #46, DOC #56, DOC #57, DOC #58).

**B. MATTERS EXCLUDED.**

1. This Final Fee Application does not seek payment for pre-petition fees and expenses already paid for under the Retainer Agreement between the Debtor and Applicant’s Firm.

2. No post-petition fees or expenses have been paid to Applicant, as Applicant's First Fee Application has not yet been approved by this Court.
3. This intended to be a Final Fee Application, as it is not anticipated that additional legal services will be expended herein.

**VIII. HOURLY FEES.**

The hourly rates in this Application are reasonable and necessary to justify their approval for payment from the funds of the estate prior to payment of allowed unsecured creditors. Upon information and belief, the rates currently applied in this District, and which are normally deemed reasonable, if all other facts substantiate them as reasonable and necessary, for experienced practitioners in relatively similar Chapter 11 cases in this District, are:

Attorneys - \$250-300.00 per hour  
Paralegals - \$50.00 per hour

**THESE FEES ARE GUIDELINES ONLY AND DO NOT PRECLUDE EVIDENCE JUSTIFYING HIGHER OR LOWER RATES.**

**IX. AMOUNT ALLOCATED FOR PREPARATION OF THIS APPLICATION:**

**\$375.00 (1.5 hours @ \$250.00 per hour).**

Date: December 20, 2021

Respectfully submitted,

**THE NEVAREZ LAW FIRM, PC**  
A Professional Corporation  
7362 Remcon Circle  
El Paso, Texas 79912  
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/s/ Michael R. Nevarez  
**MICHAEL R. NEVAREZ**  
State of Texas Bar No. 14933400

Attorney for Debtor